

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 2. The sheet replaces the original sheet including Figure 2. Figure 2 has been modified to add reference numerals (118) and (120).

**Attachment:** Replacement Sheet

Annotated Sheet Showing Changes

### **REMARKS**

This Amendment responds to the Office Action mailed September 19, 2005.

Claims 1-24 are pending before this Amendment. Claims 3 and 25-31 have been cancelled, claim 32 is new, and claims 1, 2, 4-12, 15, and 16 have been amended. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

### **Provisional Election**

Applicant hereby confirms the election made without traverse by Applicant's undersigned representative of Group I, claims 1-24.

### **Objection to the Drawings**

Applicant has amended the drawings to correct a minor labeling error. Specifically, Figure 2 has been modified to add the reference numerals (118) and (120), which conforms the drawings to the written description. Applicant's specification, at the paragraph beginning at page 15, line 12, provides written description support for these drawing corrections. Applicant submits that these amendments introduce no "new matter" into the specification.

### **Rejection of Claims under 35 U.S.C. § 112**

Claim 11 stands rejected under 35 U.S.C. § 112 as indefinite. Applicant has amended claim 11 to correct a typographical error by changing “second equalizer” in line 9 to “fourth equalizer.” Applicant requests that the rejection be withdrawn.

Claims 16-24 stand rejected under 35 U.S.C. § 112 as indefinite. Applicant has amended claim 16 for clarity by eliminating reference to the central passageway. In compliance with the Examiner’s request, the third equalizer plate (71) is downstream of the inlet plate (48) and has a plurality of liquid-carrying channels (62a) that couple the plurality of flow passageways (52) in fluid communication with the elongated slots (94). Applicant requests that the rejection be withdrawn.

Claim 21 stands rejected under 35 U.S.C. § 112 as indefinite. Applicant has amended the dependency from “7” to “8.” Applicant requests that the rejection be withdrawn.

Claim 3 stands rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Applicant has amended claim 3 to supply the structural cooperative relationship of the elements, as requested by the Examiner. Applicant requests that the rejection be withdrawn.

### **Rejection of Claims under 35 U.S.C. § 102**

#### **Claims 1-4, 7, 21-24**

Claims 1-4, 7, and 21-24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,620,644 (Hodan et al.). Of these rejected claims, claim 1 is the only independent claim, and claims 21-24, as amended, no longer depend from claim 1. As amended,

Applicant has added subject matter found in original claim 6 to independent claim 1. For at least this reason, Applicant requests that the rejection of independent claim 1 be withdrawn.

Because claims 2-4 and 7 depend from independent claim 1, Applicant submits that those claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Hodan et al.

Claims 1-4, 7-10, 13, 14, and 16-24

Claims 1-4, 7-10, 13-14, and 16-24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,562,930 (Hills). Of these rejected claims, claims 1 and 8 are the only independent claims. As amended, Applicant has added subject matter found in original claim 6 to independent claim 1. For at least this reason, Applicant requests that the rejection of independent claim 1 be withdrawn.

Because claims 2-4 and 7 depend from independent claim 1, Applicant submits that those claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Hills.

Independent claim 8, as amended to add subject matter from original claim 12, is patentable for reasons analogous to independent claim 1. For at least this reason, Applicant submits that claim 1 is patentable and requests that the rejection of independent claim 1 be withdrawn.

Because claims 9, 10, 13, 14, and 16-24 depend from independent claim 8, Applicant submits that those claims are also patentable for at least the same reasons discussed

above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Hills.

Claims 1-5, 7-10, 13, 14, 16, 20, and 21

Claims 1-5, 7-10, 13, 14, 16, 20, and 21 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,736,083 (Dugan). Of these rejected claims, claims 1 and 8 are the only independent claims. Applicant has added subject matter found in original claim 6 to independent claim 1. For at least this reason, Applicant requests that the rejection of independent claim 1 be withdrawn.

Because claims 2-5 and 7 depend from independent claim 1, Applicant submits that those claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Dugan.

Independent claim 8, as amended to add subject matter from original claim 12, is patentable for reasons analogous to independent claim 1. For at least this reason, Applicant submits that independent claim 1 is patentable and request that the rejection of claim 1 be withdrawn.

Because claims 9, 10, 13, 14, 16, 20, and 21 depend from independent claim 8, Applicant submits that these claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Dugan.

Claims 1 and 6 over Schrenk

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,687,589 (Schrenk). Of these rejected claims, claim 1 is the only independent claim. Applicant has amended claim 1 to add subject matter found in original claim 6. The Examiner contends that Schrenk shows all elements of the rejected claims. Applicant respectfully disagrees for the reasons set forth below.

In contrast to independent claim 1, as amended, Schrenk fails to disclose or suggest a “plurality of flow passageways of substantially equal path length that extend in the cross-machine direction and in a downstream direction, said plurality of flow passageways operating to divide a flow of a first thermoplastic material supplied from the plurality of liquid inlets into individual streams having a spaced relationship in the cross-machine direction.” In contrast, the flow passageways (30, 31) in Schrenk extend only in a downstream direction. In order for a reference to anticipate the invention in a claim, the reference must teach each and every element in the precise arrangement set forth in the claim. If the reference fails to teach even one of the claimed elements, the reference does not and cannot anticipate the claimed invention. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 6, 8, 12, 14, and 15 over Sakunaga et al.

Claims 1, 6, 8, 12, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,732,716 (Sakunaga et al.). Of these rejected claims, claims 1 and 8 are the only independent claims. Applicant has added subject matter found in original claim 6 to independent claim 1 and subject matter found in original claim 12 to independent

claim 8. The Examiner contends that Sakunaga et al. shows all elements of the rejected claims. Applicant respectfully disagrees for the reasons set forth below.

In contrast to independent claim 1, as amended, Sakunaga et al. fails to disclose or suggest a “first plurality of flow passageways of substantially equal path length that extend in the cross-machine direction and in a downstream direction.” In contrast, Sakunaga et al. fails to disclose that the flow passageways (46, 47) are of substantially equal path length. In particular, flow passageway (46) has a greater path length than flow passageway (47). Moreover, the passageway (46) receives a different thermoplastic material than passageway (47). *See* column 3, lines 9-23. Specifically, passageway (46) receives a first thermoplastic material forming a sheath and passageway (47) receives a second thermoplastic material forming a sea. *See* column 3, lines 51-59.

In further contrast to independent claim 1, as amended, Sakunaga et al. fails to disclose or suggest “a forming member disposed in the downstream direction from said second equalizer plate, said forming member having a surface oriented in the cross-machine direction and positioned for merging the individual streams exiting from said first plurality of throughholes.” The forming member identified in Sakunaga et al. by the Examiner comprises an orifice plate (48) having gathering holes (49). The surfaces of the gathering holes (49) in Sakunaga et al. do not merge the individual streams exiting from the passageways (46, 47). In particular, the product output by the gathering holes (49) has an appearance as depicted in Figure 6 of Sakunaga et al. *See* column 3, lines 59-63. Hence, the flows from passageways (46, 47) are not merged to form a sheet of the first thermoplastic material, as set forth in Applicant’s claim 1.

In order for a reference to anticipate the invention in a claim, the reference must teach each and every element in the precise arrangement set forth in the claim. If the reference fails to teach even one of the claimed elements, the reference does not and cannot anticipate the claimed invention. For at least the reasons presented above, Sakunaga et al. fails to anticipate claim 1. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Independent claim 8, as amended to add subject matter found in original claim 12, is patentable for reasons analogous to independent claim 1. For at least this reason, Applicant submits that claim 8 is patentable and requests that the rejection of independent claim 8 be withdrawn.

Because claim 14 depends from independent claim 8, Applicant submits that this claim is also patentable for at least the same reasons discussed above. Furthermore, this claim recites a unique combinations of elements not taught, disclosed or suggested by Sakunaga et al.

Claims 1-2, 4-5, 7-8, 10-11, 13-14, and 16-24 over Haynes et al.

Claims 1-2, 4-5, 7-8, 10-11, 13-14, and 16-24 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pub. No. 2004/0126454 (Haynes et al.). Of these rejected claims, claims 1 and 8 are the only independent claims.

Applicant submits an affidavit of prior invention under 37 C.F.R. § 1.131, as an attachment herewith, that has been executed by the inventor of the subject matter claimed. The affidavit establishes that Applicant invented the claimed subject matter before the effective date of the reference (December 21, 2002) relied upon in the rejection. Attached to the affidavit is a photocopy of an original exhibit consisting of annotated drawings. Applicant's showing of facts



is, in character and weight, sufficient as to establish the inventor conceived an apparatus that embodies the features and advantages of the present invention, as claimed in the '352 application, in the United States prior to the effective date of Haynes et al. Consequently, Applicant submits that U.S. Pub. No. 2004/0126454 is no longer a valid reference under 35 U.S.C. § 102(e) and respectfully requests that the rejection be withdrawn.

Notwithstanding the disqualification of U.S. Pub. No. 2004/0126454 as a valid reference, Applicant will address the substantive rejections over Haynes et al. in the following remarks. Applicant has added the subject matter found in original claim 6 to independent claim 1. For at least this reason, Applicant requests that the rejection of independent claim 1 be withdrawn.

Because claims 2, 4, 5, and 7 depend from independent claim 1, Applicant submits that those claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Haynes et al.

Independent claim 8, as amended to add the subject matter found in original claim 12, is patentable for reasons analogous to independent claim 1. For at least this reason, Applicant submits that claim 8 is patentable and requests that the rejection of independent claim 8 be withdrawn.

Because claims 10, 11, 13, 14, and 16-24 depend from independent claim 8, Applicant submits that those claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by Haynes et al.

### New Claims

Independent claim 32, which is new, contains subject matter set forth in original claims 1 and 3. Applicant submits that independent claim 32 and new claims 33 and 34 depending therefrom are patentable for at least the same, or similar, reasons as claim 1.

### Conclusion

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments and remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact Applicant's undersigned representative to expedite issuance of this application.

Applicant does not believe fees are dues in connection with filing this communication other than a one-month time extension fee. If, however, any additional fees are necessary because of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication, or to credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

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**Attachments**

